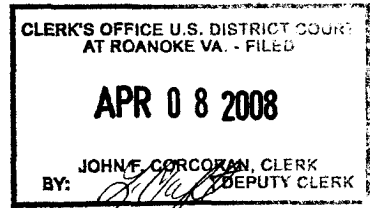


IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION



TONY BERNARD MARTIN,  
Petitioner,

v.

GENE JOHNSON, DIRECTOR OF  
THE VIRGINIA DEPARTMENT OF  
CORRECTIONS,  
Respondent.

Civil Action No. 7:08-cv-00249

FINAL ORDER

By: Hon. James C. Turk  
Senior United States District Judge

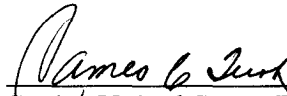
In accordance with the written Memorandum Opinion entered this day, it is hereby

**ADJUDGED AND ORDERED**

that the above referenced petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254, shall be and hereby is **DISMISSED**, pursuant to Rule 4 of the Rules Governing § 2254 Proceedings; the action is **STRICKEN** from the active docket of the court; and petitioner's motion for leave to proceed in forma pauperis (docket number 3) is **DENIED AS MOOT**.<sup>1</sup>

The Clerk is directed to send a copy of this final Order and the accompanying Memorandum Opinion to petitioner.

ENTER: This 8<sup>th</sup> day of April, 20008.

  
Senior United States District Judge

<sup>1</sup> Petitioner is advised that he may appeal this decision pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure by filing a notice of appeal with this court within thirty days of the date of entry of this Order, or within such extended period as the court may grant pursuant to Rule 4(a)(5).